

 <p>UTAH DNR OIL, GAS & MINING</p>	<h2 style="margin: 0;">Citation for Non-Compliance</h2> <h3 style="margin: 0;">Utah Minerals Regulatory Program</h3> <p style="margin: 0;">1594 West North Temple, Salt Lake City, UT 84114 Phone: (801) 538-5340 Fax: (801) 359-3940</p>		Citation #: MC-2009-17-04
			Permit Number: S/049/0052
			Date Issued: 09/22/2009
<input type="checkbox"/> NOTICE OF VIOLATION		<input checked="" type="checkbox"/> CESSATION ORDER (CO)	<input type="checkbox"/> FAILURE TO ABATE CO
Permittee Name: Nielson Construction		Inspector ID and Number: Lynn Kunzler #17	
Mine Name: Nielson Limestone Mine		Date of Inspection: September 17, 2009	
Certified Return Receipt Number: 7003 2260 0002 0247 8584		Date and Time of Service: 9/22/09 3:30 p.m.	
Nature of condition, practice, or violation: Expanding a small mining operation to a large mining operations prior to applying for, and receiving approval for a large mining plan. Conducting mining operations outside the permitted and bonded area.			
Provisions of Act, regulations, or permit violated: R647-3-114; R647-4-101			
For Cessation Orders and Failure to Abate CO's, check appropriate box(es) below:			
<input type="checkbox"/> This order requires Cessation of ALL mining activities. Or <input checked="" type="checkbox"/> This order requires Cessation of PORTION(S) of the mining activities.			
Mining activities to be ceased immediately: All mining related activities outside the permitted 5-acre area for the small mining operation as identified in the Notice of Intent. Once interim surety is submitted and approved, operator will be allowed to operate within current disturbed area only, until a Large Mining Operation is approved.			
<input type="checkbox"/> Condition, practice, or violation is creating an imminent danger to health or safety of the public.		<input type="checkbox"/> Permittee/Operator is/has been conducting mining activities without a Permit.	
<input checked="" type="checkbox"/> Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.		<input type="checkbox"/> Permittee has failed to abate Violation included in Citation # _____ within time for abatement originally fixed or subsequently extended.	
Abatement/corrective action(s) required (for all Citations): Provide an interim reclamation surety in the amount of \$37,500. DOGM currently holds \$17,000, an additional \$20,500 is needed. Submit a Complete Notice of Intent to Commence Large Mining Operations. Email bondcoordinator@utah.gov for appropriate bonding forms.			Abatement Times (if applicable) Submit addition surety by October 5, 2009. Submit NOI by December 10, 2009
Wayne Nielson Permittee Representative (Print)		Lynn Kunzler DOGM Representative (Print)	
_____ Permittee Representative's Signature		_____ DOGM Representative's Signature	
_____ Date		09/22/2009 Date	
SEE REVERSE SIDE Of This Form For Instructions And Additional Information			

IMPORTANT – READ CAREFULLY

Pursuant to the Utah Mined Land Reclamation Act, Utah Code Ann. § 40-8-1 et. seq. (Act), the undersigned authorized representative of the Division of Oil, Gas, and Mining (DOGM) has conducted an inspection and found that a Citation in the form of a Notice of Violation or Cessation Order must be issued.

This Citation shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of DOGM.

1. PENALTIES.

Assessment. For each violation included in this Citation, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

Proposed assessment. DOGM assesses fines based upon a proposed recommendation by an assessment officer. If there is additional information you wish DOGM to consider regarding the citation and proposed fine, please submit that to DOGM within **15 days of the date this citation is served on you or your agent.** Such information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. Once DOGM has determined the proper penalty, it will serve the proposed assessment on you or your agent, within 30 days of the issuance of this citation. See Utah Admin. Code R647-7-105 et. seq.

The penalty will become final unless you or your agent file, within 30 days of receipt of the proposed assessment, a written request for an informal conference before an assigned conference officer.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be issued a Failure to Abate Cessation Order requiring cessation of mining operations on the portion of the operations relevant to the violation, and you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement.

2. STOP WORK CONFERENCE.

On the reverse side of this page, an authorized representative has made a finding as to whether or not this citation requires cessation of mining. If this citation requires cessation of mining, expressly or in practical effect, you may request that a stop work conference be held at or near the mine site. If you wish such a conference to be held, send your request to:

**Administrative Secretary
Associate Director of Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801**

See Utah Admin. Code R647-6-102.4 et seq. Once a stop work conference is scheduled, you will be notified of the date, time, and location of the conference. You must request the stop work conference within 30 day after service of this cessation order. The conference will be held within 5 days of your request.

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may appeal this citation to the Board of Oil, Gas, and Mining by submitting: a) a petition for hearing to the Board within 30 days of receipt of this notice, order or proposed assessment; and b) an amount equal to the proposed, reassessed or affirmed penalty to the Division. See Utah Admin. Code R647-7-107 et. Seq. Please submit the application for hearing to:

**Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801**

If applying for a formal board hearing, you may submit with your petition for review a request for “*temporary relief*” from this citation. Procedures for obtaining a formal board hearing are contained in the Board’s Rules of Practice and Procedure and in Utah Admin. Code R647-5 et. seq.

4. INDIVIDUAL CIVIL PENALTIES.

An additional Individual Civil Penalty of up to \$5,000 per day may be assessed against a corporate director, officer or agent who knowingly and willfully authorizes, ordered or carried out a violation or who fails or refuses to comply with an order. For further information, consult Utah Code Ann. § 40-8-9 through 40-8-9.1 and Utah Admin. Code R647-6 through R647-8 et. seq., or contact the Division of Oil, Gas, and Mining at (801) 538-5340.

This page is a reference page used to track documents internally for the Division of Oil, Gas and Mining

Mine Permit Number S/049/0052 Mine Name Nielson Limestone Mine
Operator Nielson Date Sent 9-22-09
TO _____ FROM _____

☐ CONFIDENTIAL ☐ BOND CLOSURE ☐ LARGE MAPS ☐ EXPANDABLE
☒ MULTIPUL DOCUMENT TRACKING SHEET ☐ NEW APPROVED NOI
☐ AMENDMENT ☐ OTHER _____

Description

YEAR-Record Number

☐ NOI ☐ Incoming ☐ Outgoing ☒ Internal ☐ Superceded
Inspection Report 9-22-09 2009-0001

☐ NOI ☐ Incoming ☐ Outgoing ☐ Internal ☐ Superceded

☐ NOI ☐ Incoming ☐ Outgoing ☐ Internal ☐ Superceded

☐ NOI ☐ Incoming ☐ Outgoing ☐ Internal ☐ Superceded

☐ TEXT/ 8 1/2 X 11 MAP PAGES ☐ 11 X 17 MAPS ☐ LARGE MAP

COMMENTS: _____

CC: _____